

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03635 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03636 (CGM)

THIRD AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 2, 2022, at Adv. Pro. No. 10-03635, ECF No. 917; Adv. Pro. No. 10-03636, ECF No. 997) (“Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order states, in paragraph 1, “The parties shall finally complete all jurisdictional document productions by August 15, 2022, unless the parties agree to a later deadline”;

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions to March 31, 2023, which extension was necessary to receive jurisdictional discovery needed to oppose defendants’ PJ Motions;

WHEREAS, the Liquidators subsequently received document productions from numerous defendants, in addition to document productions from non-parties Citco Group Limited, Citco Banking Corporation NV, Citco Bank Nederland NV, Citco Bank Nederland NV Dublin Branch, Citco Global Custody NV, and Citco Global Custody (NA) NV (collectively, “Citco”);

WHEREAS, the Liquidators wish to continue to negotiate alleged possible discovery deficiencies and further document productions with respect to some portions of the Citco productions as well as productions from particular defendants;

WHEREAS, the Liquidators seek sufficient time in which to resolve the referenced alleged, possible deficiencies and review any further documents that are produced in consequence of those discussions in order to respond to the PJ Motions;

WHEREAS, the Liquidators will file a total of 40 PJ Motion opposition briefs in these consolidated actions, Adv. Pro. No. 10-03635 and Adv. Pro. No. 10-03636;

WHEREAS, the Liquidators do not seek extensions on four PJ Motion opposition briefs,

which will be filed by the March 31, 2023 deadline set in the Second Amended Scheduling Order;¹

WHEREAS, each of the other defendants who joined the Liquidators in submitting the Notice of Presentment consent to extend the deadline for the Liquidators to file opposition briefs to their PJ Motions from March 31, 2023 to May 12, 2023;

WHEREAS, pursuant to the Second Amended Scheduling Order, the Liquidators must provide 30-days' notice to the applicable defendant should Liquidators choose to file their opposition to such defendant's PJ Motion prior to March 31, 2023;

WHEREAS, pursuant to the Second Amended Scheduling Order, defendants must file their replies in further support of their PJ Motions within 90 days of service of an opposition; and

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The deadlines in the Second Amended Scheduling Order shall not be affected by this Third Amended Scheduling Order with respect to the following defendants:

- (1) Bank J. Safra Sarasin AG, f/k/a Bank Sarasin & Cie;
- (2) Coutts & Co. Ltd. (f/k/a RBS Coutts Bank Ltd.);
- (3) UBS Jersey Nominees;
- (4) Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG); and
- (5) BNP Paribas (Suisse) SA (f/k/a BNP Paribas (Suisse) SA Private);

¹ In addition to the four PJ Motion opposition briefs for which the Liquidators are not seeking extensions, the Liquidators are also separately negotiating an amended schedule for the PJ Motion opposition brief for defendant BNP Paribas (Suisse) SA (f/k/a BNP Paribas (Suisse) SA Private) ("BNP Suisse"). Defendant BNP Suisse is subject to unique proceedings related to the spoliation of relevant evidence and the Liquidators are separately negotiating a revised PJ Motion briefing schedule with that defendant. The Liquidators anticipate filing a separate proposed order with respect to that defendant shortly.

2. The Liquidators shall file their oppositions to all other defendants' PJ Motions by **May 12, 2023**, with 30 days' notice to the applicable defendant (or consent to a shorter notice period by the applicable defendant) should Liquidators choose to file their opposition to such defendant's PJ Motion prior to **May 12, 2023**;

3. All defendants other than those listed in paragraph 1 shall file their replies in further support of their PJ Motions within 90 days of service of an opposition with respect to their PJ Motion, provided that upon agreement between the Liquidators and the applicable defendant replies may be filed at a later date not to exceed 90 days after the **May 12, 2023** deadline for the Liquidators' opposition briefs;

4. The Court shall hear argument with respect to each defendant's PJ Motion at the next omnibus conference that is at least 30 days after service of a reply in further support of such PJ Motion; and

5. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, and all other provisions of the August 2, 2022 Second Amended Scheduling Order remain in full force and effect.

Dated: March 30, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge